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According to the Examiner, claims 1 and 7 are generic, that is, drawn to a number of patentably distinct species and thus has required a further election of one of the following species if Group I is elected:

Species A, claim 9, drawn to SEQ ID NO: 4;
Species B, claim 9, drawn to SEQ ID NO: 6;
Species C, claim 9, drawn to SEQ ID NO: 8;
Species D, claim 9, drawn to SEQ ID NO: 12;
Species E, claim 9, drawn to SEQ ID NO: 14;
Species F, claim 9, drawn to SEQ ID NO: 16;
Species G, claim 10, drawn to SEQ ID NO: 20;
Species H, claim 10, drawn to SEQ ID NO: 22;
Species I, claim 10, drawn to SEQ ID NO: 24;
Species J, claim 10, drawn to SEQ ID NO: 28;
Species K, claim 10, drawn to SEQ ID NO: 30;
Species L, claim 10, drawn to SEQ ID NO: 32;
Species M, claim 11, drawn to a sequence with 95% identity to SEQ ID NO: 2;
Species N, claim 11, drawn to sequence with 95% identity to SEQ ID NO: 10;
Species O, claim 11, drawn to sequence with 95% identity to SEQ ID NO: 18;
and
Species P, claim 11, drawn to sequence with 95% identity to SEQ ID NO: 26.

With respect to the Examiner's division of the claims of Group I into 16 species, Applicants provisionally elect species M, drawn to a sequence with 95% identity to SEQ ID NO: 2, with traverse. Of the claims of Group 1, claims 1-8, 11, and 13-19 are readable on species M. Applicants submit that to search the subject matter of certain species together would not be a serious burden on the Examiner. In particular, each of the foregoing species is drawn to a CDR or a variable region of an antibody chain. Applicants respectfully assert that, even assuming each CDR or variable region represents a distinct or independent invention, to search a set of CDRs of a particular antibody variable region together with the corresponding antibody variable region would not impose a serious burden on the Examiner. The M.P.E.P. § 803.02 (Seventh Edition, February 2000 revision) states:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner



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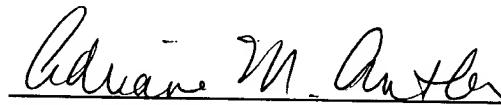
must examine all claims on the merits, even though they are directed to independent and distinct inventions.

In view of the foregoing, Applicants respectfully request that the requirement for species election be modified such that, at the very least, each group of CDRs and their corresponding variable region, such as species A, B, C, drawn to CDR1, CDR2, and CDR3 of the heavy chain of the anti-CD30 antibody AC10, respectively, and species M, drawn to a sequence with 95% identity to the AC10 heavy chain variable region, are examined together. Applicants reserve the right to petition from the Restriction Requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the present application. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

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